

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

NEW HEIGHTS FARM I, LLC, a Michigan
limited liability company, STACY BOERSEN,
NEW HEIGHTS FARM II, LLC, a Michigan
limited liability company, and NICHOLAS
BOERSEN,

Case No. 1:23-cv-663

Plaintiffs,

Hon.: Hala Y. Jarbour

v

GREAT AMERICAN INSURANCE COMPANY,
FEDERAL CROP INSURANCE CORPORATION, AND
UNITED STATES DEPARTMENT OF AGRICULTURE,

Defendants.

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PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE
{ECF No. 18 dated 7/27/2023}

The Federal Crop Insurance Corporation (the “FCIC”) was served on June 30, 2023¹. On July 27, 2023, the Court issued its order requiring Plaintiffs to submit the default of the FCIC by

¹ The FCIC was served by certified mail to 1400 Independence Ave., SW, Mailstop 0801, Washington DC 20250-0801 with copies to the US Attorney General’s offices, the last delivery being June 30, 2023 (ECF No. 13 PageID.1517).

August 10 or show cause why the claims against the FCIC should not be dismissed. This was based on the summons submitted by Plaintiffs which indicated the response time was 21 days from service.

Upon further review and contact with the United States Attorney General's office, Plaintiffs have confirmed that, while the FCIC is a corporation, it is an agency of the United States. The statute creating the FCIC states that:

“... there is hereby created as an agency of and within the Department² a body corporate with the name “Federal Crop Insurance Corporation”.

7 USC 1503.

Thus, as an agency of the United States, the FCIC is entitled to 60 days to respond to the summons and complaint rather than the 21 days for private corporations. F.R.Civ. P. 12 (a)(2).

Plaintiff requests that the Court calendar the answer deadline for the FCIC (and USDA) for August 29, 2023.

Dated: August 3, 2023

/s/ Ronald J. VanderVeen

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² The Department is defined as the United States Department of Agriculture. 7 USC 1502.